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December 15, 2020

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VIA E-FILING

Hon. Robert M. Levy
U.S. Magistrate Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Thorne v. Square, Inc. et al*, Case No. 20-cv-05119-NGG-RML –
Joint Stipulation Regarding Service, Extension of Time to Respond to
Complaint, and Request for Sequenced Briefing Schedule

Dear Judge Levy:

We, together with co-counsel Munger, Tolles & Olson LLP (*pro hac vice* motions forthcoming), represent defendant Square, Inc. ("Square") in the above captioned matter. We write jointly on behalf of counsel for all parties and pursuant to Your Honor's Individual Rules, to request an extension of the time for the defendants to respond to plaintiff's complaint filed on October 23, 2020 and to suggest an appropriate briefing schedule.¹

The parties have agreed, in the interest of judicial economy, to enter into a stipulation to (a) resolve any disputes over the effectiveness of service, (b) set a common deadline and briefing schedule for Defendants' anticipated motion(s) to compel arbitration ("Arbitration Motion(s)"), and (c) agreed to sequenced briefing of Defendants' Arbitration Motion(s) and motion(s) to dismiss for failure to state a claim ("12(b)(6) Motion(s)"), such that issues regarding the proper forum for plaintiff's claims are resolved prior to Defendants' deadline to file the 12(b)(6) Motion(s).

As requested in Your Honor's Individual Rules: According to the proof of service filed by Plaintiff, Square's original deadline to respond to the Complaint is December 16, 2020; this is Square's first request for an extension of the response deadline. By prior stipulation

¹ The parties agree this stipulation does not constitute Defendants' consent under LR 73.1 to judicial assignment to a magistrate judge for all purposes.



Hon. Nicholas G. Garaufis
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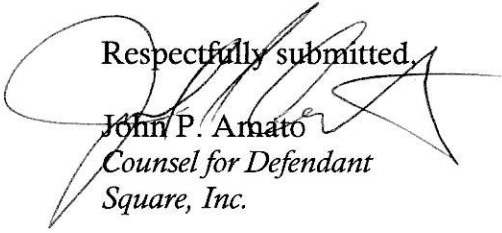
granted by the Court on December 10, 2020, Sutton Bank's current deadline to respond to the complaint is January 8, 2021; this is Sutton Bank's second request for an adjournment.

The parties agree to and propose the following:

- Counsel for Square and counsel for Sutton Bank each hereby accept service and waive all service-related defenses.
- Defendants' deadline to respond to the Complaint is continued in accordance with the following schedule:
 - Deadline for Defendants' Arbitration Motion(s): January 29, 2021
 - Deadline for Plaintiff's opposition to Defendants' Arbitration Motion(s): March 4, 2021
 - Deadline for Defendants' reply(ies) in support of Arbitration Motion(s): March 25, 2021
 - Defendants' deadline for engaging in a pre-motion conference regarding any anticipated 12(b)(6) Motion(s) and the deadlines for filing are extended pending resolution of Defendants' Arbitration Motion(s).

The parties thank the Court for Your consideration.

Respectfully submitted,


John P. Amato
Counsel for Defendant
Square, Inc.

cc: Erin J. Cox (*pro hac vice* motion forthcoming) (by email)
Jonathan H. Blavin (*pro hac vice* motion forthcoming) (by email)
Laura M. Lopez (*pro hac vice* motion forthcoming) (by email)
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